



ADMINISTRATIVE REGULATION

Office of the City Administrator

Number: 416
Sections: 1-9
Effective Date: 10-9-02

SUBJECT: Workplace Violence Policy

1. Purpose:

- 1.1 To establish a City policy regarding the prohibition of violence in the workplace and/or while engaged in any activity on behalf of the City of Huntington Beach.
- 1.2 To fully inform all employees, department heads, managers, and supervisors of the City, that any form of violence in the workplace will not be tolerated or condoned.
- 1.3 To inform employees of their rights and responsibilities pertaining to violence in the workplace.
- 1.4 To provide a means for prompt reporting and a full and effective investigation of all complaints.
- 1.5 To provide for remedial action against those who engage in acts prohibited by this regulation.

2. Authority:

Section 401, Huntington Beach Charter. A violation of this policy may or may not be a violation of State and/or Federal law.

3. Application:

- 3.1 This regulation applies to all departments and employees of the City of Huntington Beach.

Note: Employment Harassment is an act which in some cases involves violence. Harassment in Employment is dealt with under a separate policy (AR 412). When an act constitutes sexual harassment or other discrimination issues, AR 412 will be used.

4. Definitions:

- 4.1 **Workplace violence** is defined as any act of aggression that causes physical or emotional harm, or causes damage to property. This includes physical assaults and threats of assault, both overt and implied, that are directed toward persons at work or on duty.
- 4.2 **Crisis Management Team (CMT)** is a team of employees trained to respond, defuse and investigate incidents of workplace violence. The team consists of representatives from various departments/units. (See Crisis Management Team Policy and Procedure)
- 4.3 **Weapons** include firearms, ammunition, explosive substances and other devices and objects that may either cause or threaten bodily harm. Prohibited weapons are further defined under California Penal Code Section 12020 (a).
- 4.4 **Employee(s)** applies to any individual, regardless of classification, employed by the City of Huntington Beach or volunteers working under the supervision of the City.
- 4.5 **Violence** refers to any physical assault or attempted assault, or destruction or attempted destruction of property (City or personal).

5. Policy:

- 5.1 The City of Huntington Beach has adopted this policy on workplace violence because it recognizes that this issue is a growing problem nationally that needs to be addressed by all employers. Consistent with this policy, any acts, threats or implied threats of physical violence, harassment, coercion and/or malicious destruction of personal or city property which involve or affect the City of Huntington Beach, any City employee, or which occur on City property will not be tolerated.
- 5.2 Employees who engage in actions or threats of violent behavior toward other employees or the public while working in any official capacity for the City will be disciplined, up to and including dismissal and/or arrest and prosecution. Note: Disciplinary issues stemming from violations of the Workplace Violence Policy shall be addressed through Personnel Rules 7 and/or 8.
- 5.3 It is the intention of this policy to deal with workplace violence proactively, through training, education, mediation, and/or consultation, before it escalates to the formal level of disciplinary action. Workplace violence incidents that reach the level of formal discipline will be dealt with by relevant rules, regulation, and policies.
- 5.4 Possession or storage by an employee of any weapon described under 4.3 is prohibited. This applies to weapons which are carried upon the person (concealed or visible) or within a City vehicle while on any City property or when acting as a representative of the City of Huntington Beach. California Consumer Affairs or Private Person's weapon permits issued by any federal, state or local agency are not honored by the City unless accompanied by the written authorization of the City Administrator, Chief of Police and the individual employee's department head. Employees may carry a pocket knife with a blade 3" or less. Pepper spray carried for personal protection is also permitted. *Sworn peace officers who fall under California Penal Code section 830 and its subsections are exempt from this regulation.*
- 5.5 Employees are strongly discouraged from storing any legally owned weapons in their personal vehicles when such vehicles are parked on City property. Employees who choose to store legally owned weapons in privately owned vehicles must follow all California Penal Code regulations regarding such weapon storage.
- 5.6 Appropriate measures will be employed to secure the workplace from violent acts and to reasonably protect employees from its effects, including removal of threatening persons from the premises.
- 5.7 Retaliation against and/or harassment of employees who, acting in good faith, report real or implied violent behavior or violations of this policy, is prohibited.
- 5.8 Knowingly and intentionally making false accusations of violent behavior is expressly and specifically prohibited.
- 5.9 If an employee obtains a protective or restraining order, which lists the City properties or employee's work area as protected areas, the following shall be provided to the police department:
 - a) A copy of the petition and declarations.
 - b) A copy of any Temporary Restraining Order (TRO).
 - c) A copy of any final permanent protective or restraining order.
 - d) A copy of any court order which modifies any of the above documents.
- 5.10 Any employee who makes substantial and verifiable threats, exhibits disruptive behavior, or engages in violent acts on any City property and is not immediately placed under arrest, shall be ordered to leave the premises and be prohibited from returning to any City property until otherwise notified.
- 5.11 Any citizen, visitor or guest who is present on any City property and engages in the aforementioned conduct, and is not immediately arrested, shall be ordered to leave the premises and be prohibited from returning to any City property until officially notified by the police department.

- 5.12 This procedure shall be enforced, with the assistance of the Huntington Beach Police Department when necessary, by any manager, supervisor or acting supervisor.
- 5.13 Any exception(s) to these policies shall be determined on a case by case basis by the City Administrator and/or the Chief of Police or their designee.

6. Responsibility:

- 6.1 The City Administrator, Department Heads and their designated representatives shall be responsible for implementation of this policy against violence in the workplace and all employees shall cooperate with any investigation of any alleged act of workplace violence.
- 6.2 Any employee who becomes aware of a threatened or actual act of workplace violence should obtain immediate emergency assistance (See Reporting Procedure).
- 6.3 All City employees should be aware of potential or actual violent acts and follow appropriate procedures to defuse those situations (See Training Procedure).
- 6.4 Employees have the responsibility to support the Violence in the Workplace Policy by practicing courtesy, respect and civility at all times.

7. Reporting Procedure

- 7.1 Employees shall immediately notify the Huntington Beach Police Department via 911 for any situation that constitutes an emergency. If the employee is outside the City on City business, the appropriate local law enforcement agency should be contacted immediately.
- 7.2 Employees who believe that they have been or are currently subjected to aggressive or potentially violent conduct shall report the occurrence(s) promptly to a supervisor.
- 7.3 An employee who receives information of a potential occurrence involving aggressive or potentially violent behavior toward themselves or another employee should promptly contact a supervisor.
- 7.4 Supervisors and managers who receive reports of workplace violence or potential workplace violence shall immediately assess whether or not the situation constitutes an emergency. All emergencies shall immediately be reported to HBPD via 911.
- 7.5 Instances that require immediate attention, but do not necessarily constitute an emergency, shall be reported promptly to the Crisis Management Team (CMT). During regular business hours this shall be accomplished by calling any one of the Primary Responders of the CMT. The names and telephone extensions for those CMT members shall be updated and distributed to all City personnel at least twice yearly. After business hours or on weekends incidents should be reported to the CMT via the Police Department Watch Commander at X8800.
- 7.6 Supervisors and managers shall, within twenty four hours after an incident (or on their next regular work day) complete the "Workplace Violence Incident Report" (See attached) and forward to the Police Department Community Liaison Team. The report may be forwarded via interoffice mail or e-mail.
- 7.7 Supervisors and managers shall follow any additional reporting requirements as determined by their individual department.

8. Training

- 8.1 The City shall provide the opportunity for all employees to be trained in the risk factors associated with workplace violence, and the proper handling of emergency situations in order to minimize the risks of violent incidents occurring in the workplace.

8.2 Training in workplace violence issues shall be mandatory for all first line supervisors and managers.

8.3 Supervisors and managers are responsible for ensuring that all personnel that they supervise are familiar with and understand this policy.

9. Crisis Management Team (CMT) Policy and Procedure

9.1 The lead member of the CMT shall be the Police Department representative.

9.2 The CMT is composed of representatives from the following departments/units: Police, Human Resources, City Attorney, Risk Management, Administration. Representatives from employee bargaining unit will be involved whenever appropriate. Outside consultants (i.e. behavioral scientists) may be utilized as part of the CMT on an as needed basis.

9.3 "Primary Responders" are those members of the CMT that are trained and equipped to respond to incidents of workplace violence or potential workplace violence where there is a need for an immediate threat assessment. The primary responders shall minimally consist of representatives from the following departments:

- a) Police
- b) Human Resources
- c) City Attorney
- d) Risk Management

9.4 The CMT members shall be appointed by their respective department heads.

9.5 The CMT provides support services before, during and/or after a crisis or traumatic event. The CMT's services are not limited to responding to violent acts; it also can be called upon to provide services in identifying ways and options on how to prevent or avoid potential acts of violence and assess and review workplace violence issues and incidents. CMT responsibilities include:

- a) Assess and manage incidents involving imminent danger or violence.
- b) Respond to acts of violence as appropriate.
- c) Determine appropriate action to assist the affected unit/department.
- d) Conduct investigations as appropriate.
- e) Develop and implement an action plan.
- f) Make recommendations for employee fitness for duty evaluations.

9.6 The CMT shall be responsible for making recommendations for workplace violence training and education for City Department Heads, managers, supervisors and all employees. Such training programs will be reviewed by the CMT at least annually.

I have read and understand the Workplace Violence Policy, AR 416:

_____ Date: _____
(Signed)

Printed Name: _____

Ray Silver, City Administrator



CITY OF HUNTINGTON BEACH WORKPLACE VIOLENCE REPORT

Date of Occurrence: _____ Date reported to you: _____

If ongoing, approximate date of onset of problem: _____

Police Department notified/responded to incident? ☐ yes ☐ no

Police Report taken? ☐ yes ☐ no If yes, what is the DR? _____

Brief description of incident and any actions taken:

Name of person reporting: _____ Telephone: X _____

Department: _____ Today's Date: _____

**PLEASE RETURN COMPLETED FORM TO THE POLICE DEPARTMENT
COMMUNITY LIAISON TEAM VIA INTEROFFICE MAIL OR E-MAIL TO:
CLIAISON@HBPD.ORG**